IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9512 OF 2004

1. Shri Dayanand Bajarang Inamdar
   Occ. Service, Age about 30 years,
   At & post Gharpan, Tal. Panhala,
   Dist. Kolhapur.

2. Shri Prakash Dhondiram Mane
   Occ. Service,
   At & Post Tilwani, Tal-Hatkanangale,
   Dist. Kolhapur.

3. Smt.Snehalata Datta Shirke
   At & Post Kotoli, Tal-Panhala,
   Dist. Kolhapur.

4. Shri Mahadeo Krishna Kamble
   At Kode, Pt.Shenwadi,
   Tal- Gaganbawada,
   Dist. Kolhapur.

5. Smt. Bharati Baburao Satpute
   At & P. Kotoli, Tal Panhala
   Dist. Kolhapur.

   All having their address of service
   at Shripatrao Chougule Arts &
   Commerce College, Malvadi-Kotoli,
   At & P. Kotoli,
   Tal-Panhala, Dist. Kolhapur. ..Petitioners

V/s.

1. The State of Maharashtra
   Through its Secretary,
   Department of Higher and Technical
   Education, Mantralaya, Mumbai-32.

2. The Director of Higher Education
   Department of Higher & Technical
   Education, Mantralaya Extension,
   Mumbai.

3. The Shivaji University
   Through its Registrar,
   Having its office at
   University Premises,
   Kolhapur.

4. Dnyanganga Shikshan Prasarak Mandal
   Through its President
   Having their head office at
   Malvadi-Kotoli, Tal-Panhala

Dist. Kolhapur.

5. The University Grants Commission
Bahadur Shah Jafar Marg,
New Delhi-110002. .. Respondents

Mr.S.P.Kadam for the petitioners.

Mr.C.R.Sonawane Assistant Government Pleader for Respondent Nos.1 & 2.

Mr.R.G.Ketkar for Respondent No.3.

Mr.B.V.Phadnis i/by R.A.Rodrigues for Respondent No.5.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 2.5.2005.

Oral Judgment :- (Per : R.M.Lodha,J)

. Rule. Returnable forthwith.

2. The parties by Counsel. By consent, rule is heard finally at this stage.

3. The learned Advocates for the parties are agreed that this Writ petition may be disposed of in terms of the order dated 21.4.2005 passed by us in Writ petition No.9518 of 2004.

4. As a matter of fact our order dated 21.4.2005 in Writ petition No.9518 of 2004 is based on the division bench Judgment of this Court in the case of Vishwaprakash s/o.Laxman Sirsath and Ors V/s. State

of Maharashtra & ors. reported in 2003(2) M.L.J. 176. Without multiplying the reasons that have already been given, we accordingly dispose of this Writ petition by following order :-

O R D E R

1. Clause 2(b) of the impugned Government Resolution dated 18.10.2001 has already been held to be unsustainable and stands quashed by the decision of this Court in the case of Vishwaprakash s/o. Laxman Sirsath and Ors. V/s. State of Maharashtra and Ors. 2003(2) Mh.L.J. 176.

2. The case of the petitioners shall be examined so as to ascertain the applicability of the first proviso to clause 2 of the 1991 Regulations passed by the University Grant Commission before any adverse order affecting the service of the petitioners is passed by the concerned institution/college.

3. No costs.

(R.M.LODHA,J)

(R.S.MOHITE,J)